IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Case No. : C.R.No.6871 of 2006
Date of Decision : December 22, 2006.

Pritpal ..... Petitioner

Vs.

Surinder Kumar and another ..... Respondents

Coram : Hon'ble Mr.Justice P.S.Patwalia

* * *

Present : Mr.R.K.Dhiman, Advocate
for the petitioner.

* * *

P.S.Patwalia, J. (Oral) :

The present revision petition has been filed against concurrent findings recorded by the Rent Controller and Appellate Authority allowing an eviction petition filed by the landlord. The petition has been allowed after recording findings in favour of the landlord on the ground of non payment of rent as also on the ground that the tenant has ceased to occupy the premises.

On the ground of non payment of rent the petitioner-tenant had desired to lead additional evidence before the Appellate Authority to produce on record a rent receipt. He wished to make out a case on the basis of the said receipt that an earlier petition filed by the landlord had been dismissed as withdrawn. He states that the Appellate Authority wrongly disallowed the production of the receipt.

I am of the opinion that even if one is to ignore the findings recorded on the ground of non payment of rent, though in my opinion they

are also perfectly valid and justified yet the eviction of the petitioner can be sustained on the other ground that the petitioner has ceased to occupy the premises. It is the petitioner's case that he was running business of repair of electrical appliances. However he could not produce any electricity bills showing consumption of electricity during the period in question. Even apart from that he could lead no cogent evidence to show that he was actually running his business in the shop in dispute. Even his witness Parshottam Dass in his cross examination admitted that he did not have any proof to show that the tenant was working in the shop. The relevant observations of the Appellate Authority confirming the findings of the Rent Controller on this issue are as hereunder :-

> *"The appellant-tenant when stepped in the witness box as RW-1 deposed that he was doing the business of repairing the electrical appliances but no electricity bill showing the consumption of electricity by the tenant-appellant during the period in question was produced on record. No other evidence, what to talk of cogent evidence, was led on behalf of the appellant-tenant to show that he was running his business in the shop in dispute during the period in question. As far as the statement of Parshottam Dass (RW-2) is concerned, the same does not inspire confidence, although he stated that he was working with the appellant-tenant at the premises in dispute for the last three years, as in his cross-examination he himself admitted that he did not leave any proof to show that he was working with the appellant-tenant in the shop in dispute."*

I do not find any error in the view taken by the courts below that the petitioner-tenant had ceased to occupy the premises. Thus I find no merit in this revision petition and the same is accordingly dismissed.

December 22, 2006 (P.S.Patwalia)
monika Judge